IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No. 8296 OF 2005

And

WRIT PETITION NO : 8297 of 2005

Between:

M. Goverdhana Kutumba Rao S/o. Subba Rao
Pedatummidi Village, Bantumilli Mandal, Krishna District.

..... PETITIONER

AND

The Collector & District Magistrate, Machilipatnam, Krishna District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction one in the nature of writ of Certiorari calling for Records pertaining to orders passed in O.A.No. 198 of 2005 dt. 31-3-2005 on the file of A.P. Administrative Tribunal and quash the same and further declare that Proceedings No. A2/182/2005 dt. 11-1-2005 is illegal, arbitrary and set aside the same and further declare that petitioner is entitled to reinstate into service as Assistant Panchayat Secretary and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.M.SURENDER RAO

Counsel for the Respondent No.: GP FOR SERVICES II

WRIT PETITION NO. 8297 OF 2005

Between:

Y.Srinivasa Rao, S/o.Bheema Raju,
Ramavarapumodi village, Bantumili Mandal, Krishna Dist.

..... PETITIONER

AND

The Collector, & District Magistrate, Machilipatnam, Krishna Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction one in the nature of writ of certiorari calling records pertaining to orders passed in O.A.No. 197 of 2005 dated 31-3-2005 on the file of A.P.Administrative Tribunal and quash the same and further declare that proceedings No.A2/182/2005 dated 11-1-2005 is illegal, arbitrary and set aside the same and further declare that petitioner is entitled to reinstate into service as Panchayat secretary and pass such order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.M.SURENDER RAO

Counsel for the Respondent : GP FOR SERVICES II

The Court made the following :

COMMON ORDER: (Per the Hon'bler Sri Justice G.Bikshapathy)

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Both the Writ Petitions can be disposed of by a common order as they arise out of a common order dated 31-3-2005 in O.As.Nos.197 of 2005 and 198 of 2005 on the file of the A.P. Administrative Tribunal, Hyderabad.

2. The petitioner in W.P.No.8296 of 2005 was working as Assistant Panchayat Secretary, Pedatummidi village, Bantumilli Mandal, Krishna District, whereas the petitioner in W.P.No.8297 of 2005 was working as Panchayat Secretary, Ramavarapumodi village, Bantumilli Mandal, Krishna District. They were placed under suspension by the respondent by order dated 11-1-2005, on the premise that they committed certain irregularities. The said order came to be challenged in O.A.197 of 2005 and O.A.No.198 of 2005. The learned Tribunal dismissed the O.As. and directed the petitioners to file an appeal before the appellate authority. The said order is under challenge before this Court.

3. The learned counsel appearing for the petitioners submits that the petitioners have not committed any irregularities much less the misconduct under the Andhra Pradesh Civil Services Rules, 1991. The very action of the District Collector in placing the petitioners under suspension is illegal and without jurisdiction. It is also submitted that the direction of the Tribunal to file an appeal is also not sustainable, inasmuch as when the suspension order itself is wholly unwarranted, the question of filing the appeal would not arise. Lastly, he submits that the allegations levelled against the petitioners are trivial in nature, on which suspension could not have been resorted to by the Collector as it is not a serious misconduct. Thus, the order of the Tribunal has to be set aside.

4. We have heard the learned Government Pleader appearing on behalf of the respondent.

5. We are not inclined to interfere with the suspension orders passed by the authorities. But, however, we are convinced that the irregularities as alleged against the petitioners are very minor in nature, for which, an enquiry should be conducted by the authorities. It is brought to the notice of this Court that so far, no charge memo has been issued by the authorities, even though more than three months have

elapsed.

6. Under these circumstances, we are inclined to dispose of the writ petitions with the following directions:

1. That the respondent shall conduct an enquiry into the allegations levelled against the petitioners and complete the same within a period of two months from the date of receipt of a copy of this order.

2. If the enquiry is not completed as directed above, the petitioners shall be reinstated into service pending further disciplinary action, according to law. No order as to costs.

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G.Bikshapathy, J.

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P.S.Narayana, J.

13th April, 2005.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Collector & District Magistrate, Machilipatnam, Krishna District.

2. 2 CCs to G.P. for Services-II, High Court Buildings, Hyderabad (OUT)

3. 2 CD copies

4 1 CC to MR.SURENDER RAO

5. The Registrar, A.P. Administrative Tribunal, Hyderabad.

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No. 8296 OF 2005

And

WRIT PETITION NO : 8297 of 2005

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13th April, 2005